

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

OLIVIA JANE SIMONS,

Plaintiff,

v.

THE CITY OF TYBEE ISLAND,
GEORGIA, and TRAVIS LEGUIN,

Defendants.

Civil Action No.
4:23-cv-00048-RSB-CLR

CONSENT ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

On February 27, 2023, Plaintiff Olivia Jane Simons filed the above-captioned action against Defendants the City of Tybee Island, Georgia (the “City”), and Travis LeGuin (“Officer LeGuin”). (See Doc. 1). The present lawsuit is a renewal action of Simons v. City of Tybee Island, Civil Action No. 4:22-cv-0277 (S.D. Ga. 2022), which was voluntarily dismissed without prejudice on December 14, 2022. On April 10, 2023, Defendants filed their Motion to Dismiss, in which they argue that all of Plaintiff’s claims against them in this lawsuit should be dismissed in their entirety. (See Doc. 10). Regarding all claims except her malicious prosecution claim, undersigned Pro Se Plaintiff Olivia Jane Simons concedes that the claims she asserted against both Defendants City of Tybee Island and Officer LeGuin should be dismissed with prejudice for at least one of the reasons stated in Defendants’ Motion to Dismiss. Because the malicious prosecution claim has yet to accrue, as established by Defendants in their Motion to Dismiss, the parties have agreed that the malicious prosecution claim should be dismissed without prejudice. Thus, undersigned Plaintiff, proceeding pro se, and Defendants, through their undersigned counsel, consent and agree that all of Plaintiff’s claims against Defendants City of Tybee Island and Officer

LeGuin, except the malicious prosecution claim, should be dismissed with prejudice and that the malicious prosecution claim should be dismissed without prejudice, with each party to bear their own costs.

Therefore, Defendants' Motion having come before the Court, and Plaintiff having consented to Defendants' Motion and because Defendants are entitled to dismissal for at least one of the reasons stated in Defendants' Motion, this Court **GRANTS** Defendants' Motion and **DISMISSES WITH PREJUDICE** all of Plaintiff's claims in this action, except the malicious prosecution claim, which is **DISMISSED WITHOUT PREJUDICE**, with each party to bear its own costs. The Clerk is hereby authorized and directed to **CLOSE** this case.

SO ORDERED, this 27th day of June, 2023.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

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